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Third session
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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from Austria
dated 13 February 1998

GE.98 - 13071

The Permanent Mission of Austria presents its compliments to the Office of the High Commissioner for Human Rights and referring to its note G/SO 212 26(1) of 2 December 1997 has the honour to transmit the already available answers to the questionnaire as follows:

General remarks: The term „migrant" is used according to the definition submitted by the IOM, but not including EU-nationals. Similarly, the term „non-nationals" in the following text does not include EU-nationals.

1. Latest figures or estimates for non-nationals having authorization to work in the country:

- Throughout the year of 1997, an average of 247.264 non-nationals had particular authorization to work in Austria.

2. Measures taken to strengthen the promotion, protection and implementation of the human rights of migrants (not an exhaustive list):

- The Federal Ministry of the Interior has trained 27 multiplicators for human rights issues in police work, with a specific weight on migrants and other aliens. These multiplicators will, during the following months, implement the respective training and awareness projects within the police force.

- Furthermore, the Federal Ministry of the Interior is currently organizing a series of events regarding human rights and executive power, again with a particular stress on migrants and other aliens.
- The Federal Ministry for Labour, Health and Social Affairs finances information centers for foreigners, including forms and brochures in the most commonly used languages for different public institutions.

3. Manifestations of racism, xenophobia and other forms of discrimination against migrants:

- The Federal Ministry of the Interior reports no public demonstrations of the above-mentioned kind. Printed (non-violent) xenophobic propaganda continues to be circulated. 20 individuals were reported to the police under § 283 of the penal code (public incitement) in 1997.

4. Steps taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No.97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1995 (No. 143):

- The above-mentioned conventions have not been ratified by Austria. Their contents, however, are by and large already implemented into and partly even surpassed by the Austrian legal system. Only in a few instances does the Austrian standard deviate from the international one, measures to remedy these are being introduced to parliament (such as the right to be eligible for a position as a labour representative for foreigners).

The Permanent Mission of Austria avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 13 February 1998

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Report of the Secretary-General

ANNEX

**Submission from the Permanent Mission of Portugal
dated 13 February 1998**

GE.98-13143 (E)

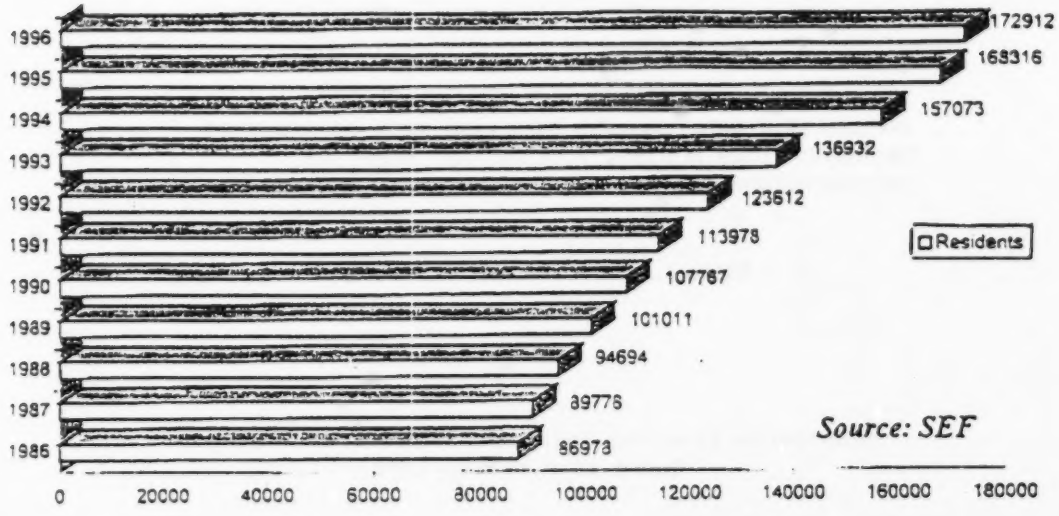
Questionnaire on the human rights of migrants

1. The most recent published data concerning the resident non-national population appear in the report of the Aliens and Frontiers Service (SEF) on its work in 1996. The tables reproduced here are taken from that report and relate to the year 1996.

Under a law unanimously adopted by the National Assembly, a special campaign for the regularization of clandestine immigrants has taken place.

The SEF report states that the completion of the special campaign to regularize immigrants represented "a first step in the campaign against exploitation and violations of fundamental rights which situations of illegality entail".

RESIDENT NON-NATIONAL POPULATION
OVERALL TRENDS, 1986-1996



There are no estimates concerning the numbers of illegal immigrants. However, it is presumed that their number is small in view of the effort made to reduce it, specifically by the special campaign to regularize immigrants.

However, freedom of movement under the Schengen agreement and the presence of significant numbers of illegal immigrants in States parties to that agreement may give rise to attempts by illegal immigrants in those other States to enter Portugal.

It must also be mentioned that the SEF has been making considerable efforts to combat the use of forged papers. Forged papers have been detected in airports (in particular Lisbon airport) and in various parts of the country.

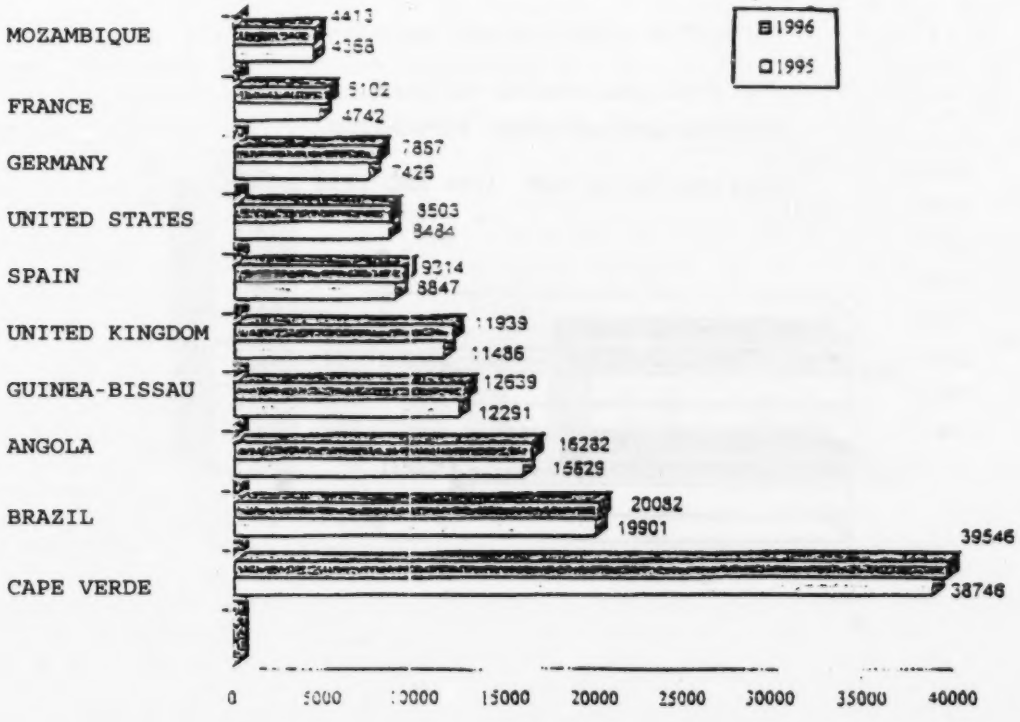
SPECIAL REGULARIZATION CAMPAIGN

(June-December 1996)

TOTAL APPLICATIONS ACCEPTED/REFUSED			
From: 11.06.96 To: 11.12.96	OF LUSITANIAN ORIGIN	OTHERS	TOTAL APPLICATIONS
APPLICATIONS ACCEPTED	25 650	5 467	31 117
APPLICATIONS REFUSED	70	3 895	3 965
TOTAL	25 720	9 362	35 082

Trends have remained constant as regards the principal nationalities concerned and distribution by district, sex and occupation.

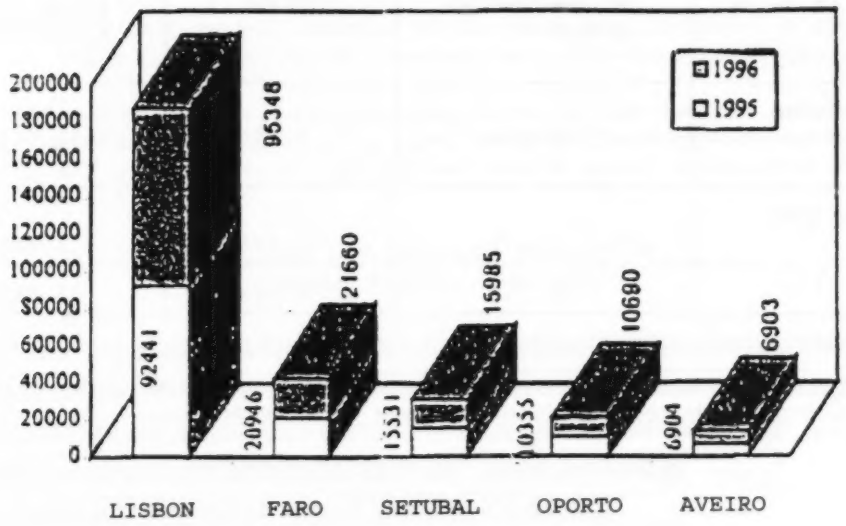
PRINCIPAL NATIONALITIES REPRESENTED,
1995 AND 1996



Source: SEF

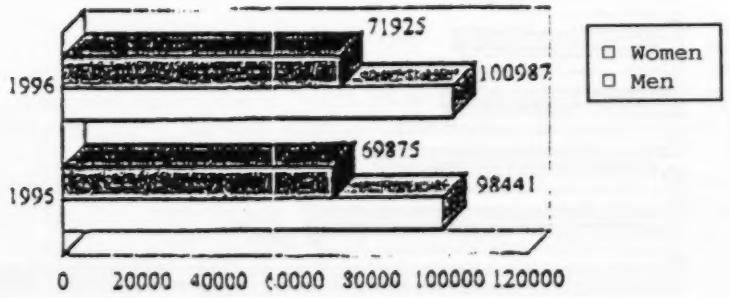
RESIDENT NON-NATIONAL POPULATION

DISTRIBUTION BY DISTRICT, 1995 AND 1996



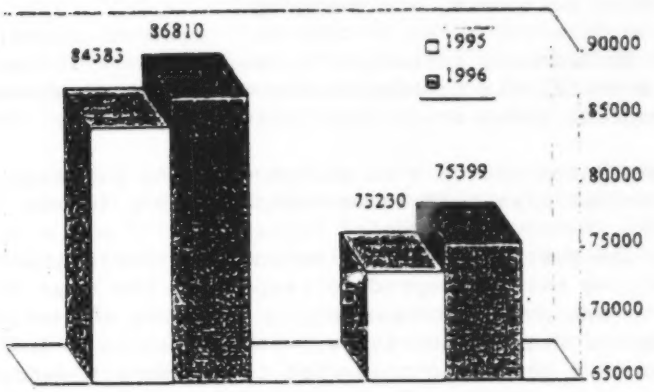
RESIDENT NON-NATIONAL POPULATION

DISTRIBUTION BY SEX, 1995 AND 1996



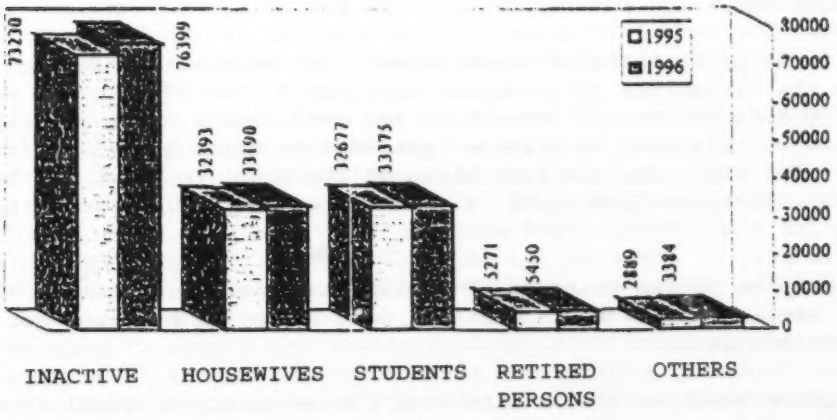
RESIDENT NON-NATIONAL POPULATION

DISTRIBUTION BY MAJOR GROUP (ACTIVE AND INACTIVE), 1995 AND 1996



RESIDENT NON-NATIONAL POPULATION

DISTRIBUTION BY OCCUPATION, 1995 AND 1996



According to the national report mentioned earlier, the type of fraud most frequently resorted to is the replacement of a photograph; next comes the use of papers belonging to someone else. The latter type of fraud is the one most frequently used with European Union documents.

The principal bearers of forged papers are citizens of Angola, Zaire, Guinea-Bissau, Cape Verde, Senegal and Ghana. New user groups, such as Philippine and Indian nationals, are emerging.

2. The present Government, in line with the programme it has set itself, has endeavoured to contribute to respect for the human rights of immigrants and to their harmonious integration into Portuguese society.

We have endeavoured not only to pursue existing policies and to make them more effective but also to take measures in other fields.

By creating the post of High Commissioner for Immigration and Ethnic Minorities (HCIME), we have attempted to respond to the need to develop "measures for the integration into society of families of immigrants and, generally speaking, of ethnic minorities, with a view to avoiding situations of marginalization of a nature to give rise to racism and xenophobia".

The post of High Commissioner was created by the Basic Law of the present Government. The task of the High Commissioner is "to accompany, at interministerial level, support for the integration of immigrants, the presence of whom is an enriching element for Portuguese society" (Decree-Law 3-A/96 of 26 January).

The promotion, protection and implementation of the human rights of immigrants has been effected either by specific measures of direct concern to them or by including them within the scope of general policies to combat social exclusion.

The first group includes measures such as the special campaign to regularize the situations of irregular immigrants (Law 17/96 of 24 May); the law allowing associations of immigrants and anti-racist and human rights associations to take part in criminal proceedings dealing with racist crimes (Law 20/96 of 6 July) and the regulation of the right to elect and be elected in municipal elections (Law 50/96 of 4 September and Declaration 2-A/97 of 11 April).

As examples of the coverage of immigrants in policies to combat social exclusion, mention may be made of fields such as social housing, social security and education.

All these measures are in line with the principle of equality of rights between nationals and non-nationals temporarily or habitually resident in Portugal as laid down in article 15 of the Portuguese Constitution; the latter permits no exceptions save those laid down in the Constitution itself or in legislation when there are substantive grounds justifying such exceptions.

The Constitution stipulates that the right to participate in local elections is subject to reciprocity.

Citizens of the European Union, Cape Verde, Brazil, Peru and Uruguay are thus entitled to vote and to stand for election to organs of local authority.

Citizens of Argentina, Israel and Norway only have the right to vote.

Over 10,000 citizens of Cape Verde have registered to exercise the right of participation in local elections.

As regards social housing, legislative texts designed to establish the necessary conditions for the more expeditious and flexible implementation of the special rehousing plans have been published on the initiative of the present Government.

For example, Decree-Law 79/96 of 20 June (better known as the PER-Families Law) established a scheme to provide assistance to families falling within the scope of the Special Rehousing Programme (PER) in the metropolitan areas of Lisbon and Oporto to acquire or rehabilitate housing.

In addition to the already existing opportunities for local authorities to promote the construction of housing where needed or to purchase existing dwellings in the market (subject to certain ceilings on the purchase prices), the Decree-Law offers other possibilities. The principle of financial assistance with the purchase of housing by families who have to be rehoused is now accepted; it is designed to enable the families concerned to choose the places and the dwellings most suitable for them to live in, thus facilitating their social integration.

Mention must also be made, on account of its practical impact, of Order 357/96 of 16 August, which is designed to create conditions for a more effective implementation of the PER. This order provides that, in exceptional and justified cases, local authorities and families may acquire dwellings the size and the prices of which exceed those fixed for the different regions of the country, by typology, in the metropolitan areas of Lisbon and Oporto, taking into account price movements observed in the national market.

Law 19-A/96 of 29 June, known as the Minimum Guaranteed Income Law, has for the first time in Portugal established a non-contributory social security benefit scheme and a social integration plan designed to ensure that individuals and their families have resources contributing to the satisfaction of their minimum needs, and also to facilitate their progressive integration into social and working life. It should also be mentioned in this context that, in addition to the cash benefit, which varies in amount and is temporary in nature, provision is being made for the establishment of an integration programme designed to create the necessary conditions for the progressive social integration of recipients of benefits and members of their families. Within these integration programmes other forms of assistance may be granted to recipients of the guaranteed minimum income benefit and to the other members or their families, particularly with regard to health, education, housing and transport.

It must be emphasized that the recipients of these benefits are not only Portuguese citizens but all persons legally residing in Portugal who meet the conditions laid down by law. This is in line with constitutional principles

and recognition of the social citizenship of non-national citizens and Portuguese citizens who might be considered as forming part of a national ethnic minority.

In the educational field, in addition to the continuation of experiments with intercultural education designed to reduce the incidence of failure at school and early drop-outs, priority educational intervention areas and alternative syllabuses have been created for the benefit of young people, independently of ethnic or national origin; these measures have contributed to the success of children of immigrants. It is also worthy of note that provision is being made for the appointment of mediators and cultural activity leaders to be recruited specifically from immigrant and national ethnic minority groups.

In the field of employment the law on the employment of non-nationals is being reviewed with the aim of removing restrictions in the field of recruitment, the implementation of working conditions and the combating of clandestine employment.

3. The ILO Migrant Workers (Revised) Convention, 1949 (No. 97) was ratified by Law No. 50/78 of 25 July.

ILO Convention (No. 143), concerning migration in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers, was ratified by Law 52/78 of 25 July.

Portugal has not yet ratified the 1990 Convention on the protection of migrant labour.

(Signed): The High Commissioner for Immigration and Ethnic Minorities: José Leitão

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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Reply dated 16 February 1998 from the Permanent Mission of France

The Permanent Mission of France to the United Nations Office at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to its Note No. G/SO 212/28 (1), dated 2 December 1998, has the honour to transmit herewith the statistical data and other information regarding the situation of migrants and the measures taken to promote, protect and implement their human rights.

The Permanent Mission of France to the United Nations Office at Geneva takes this opportunity to convey to the Office of the High Commissioner for Human Rights the renewed assurances of its highest consideration.

Geneva, 16 February 1998

Questionnaire on the human rights of migrants

France considers that all persons enjoy the same fundamental rights, independent of their origin, and on this basis migrant workers benefit from the same regulations in labour law as their non-migrant counterparts. This belief goes hand in hand with the fight against clandestine work through the penalization of dishonest employers, since clandestine work, in our experience, most often leads to the exploitation of the individuals concerned, and to starvation wages.

Furthermore, the rise of racism in France over the past 10 or more years affects migrant workers disproportionately; they are the "scapegoats" at a time of economic crisis and rising unemployment. France is one of the States which have legislated the most to counter this trend. Nevertheless, the prospect of a global conference to combat racism by the year 2001 should encourage our country to contemplate additional measures to combat this phenomenon.

1. What are the latest figures or estimates for:

- Total population, including non-nationals, preferably by nationality of origin:

According to the latest indications by the National Institute for Statistics and Economic Studies (INSEE), metropolitan France had 58.7 million inhabitants on 1 January 1998.

According to the latest statistical data (INSEE Statistical Yearbook 1997, which is based on the last census (1990)), the number of foreigners was 3,596,602, which included:

614,207 Algerians

572,652 Moroccans

216,892 Spaniards

252,759 Italians

206,336 Tunisians

197,712 Turks

176,745 nationals of sub-Saharan African countries

112,915 nationals of Asian countries

597,515 nationals of other countries.

- Number of nationals abroad, preferably by country of residence:

1,671,426 French nationals live abroad. The United States, with 13.67 per cent of the French nationals living abroad, is the foremost destination for our compatriots, ahead of Great Britain (9.67 per cent), Germany (9.33 per cent) and Belgium (7.87 per cent). These estimates, which appear in detail in the annex, date back to 1996; the statistics for 1997 will only be available at the end of the first half of 1998.

- Non-nationals having authorization to work in the country:

At the end of 1995, 3,192,872 foreigners held a valid residence permit in France. It should however be noted that children under the age of 18, who are not obliged to hold a residence permit, are not included in these statistics. The figure includes 1.5 million Europeans, 1.35 million Africans, 71,230 Americans, 197,153 Asians, 2,412 persons from Oceania, and nearly 3,500 persons of unspecified nationality. Details of the countries of origin appear in the annex.

The number of foreign workers in active employment (for the year 1995, INSEE survey on employment, March 1995) stood at 1,112,228 (5.7 per cent of the French working population).

- Estimate of irregular migrants, including visa abusers, by country of origin:

The regularization of migrant workers who have entered French territory in an irregular manner is currently being reviewed, and the documents submitted by thousands of people to the prefectures are undergoing individual re-examination. Although it will surely not be possible for all the cases to receive a positive response in French law, priority will be given to the regularization of parents of French children, to the spouses of French nationals, and to those persons who have been resident for the longest period on the territory of the Republic.

In July 1997, one month after the circular on regularization was issued, around 36,000 requests for regularization were registered in the prefectures, including 31,500 in Paris and the Paris region.

Acquisition of French nationality

The data on acquisition of French nationality should be added, for a fuller picture of the phenomena concerned: 109,823 foreigners obtained French nationality in 1996, as against 92,410 in 1995.

2. What measures are being taken to strengthen the promotion, protection and implementation of the human rights of migrants?

The Working Group could usefully refer to the report of the National Consultative Commission on Human Rights on this point (the most recent one is for 1996).

Legal measures

- Constitutional guarantees and international commitments

The Constitution guarantees the equality before the law of all citizens without distinction of origin, race or religion. Moreover, the preamble to the Constitution refers to the Declaration of the Rights of Man and of the Citizen of 1789, article 1 of which proclaims that "men are born, and remain, free and equal in respect of their rights". It also refers to the preamble to the Constitution of 27 October 1946 according to which "every human being, without distinction of race, religion or belief, possesses inalienable and sacred rights". This guarantee, of constitutional significance, means that any discrimination likely to undermine personal dignity is prohibited. Moreover, France ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 28 July 1971.

- Suppression of racial discrimination

The new Penal Code, which came into force on 1 March 1994, makes it a punishable offence to discriminate on the grounds of origin, sex, family situation, and membership or non-membership of a particular ethnic group, nation, race or religion. Article 225-1 of the new Penal Code punishes discriminatory behaviour towards natural persons, which was already condemned by the old Code, but also towards legal persons on the basis of their membership. Under article 225-2, discriminatory behaviour consists (a) in refusing to provide goods or services; (b) in hampering the normal exercise of any economic activity; (c) in refusing to employ, punishing or dismissing a person; (d) in attaching discriminatory conditions to the provision of goods or services; and (e) in attaching discriminatory conditions to an offer of employment. Moreover, article 432-7 of the Penal Code penalizes any person in whom public authority is vested, or responsible for a public service task, who is guilty of discrimination according to article 225-1, consisting in denying the enjoyment of a right granted in law, or in hampering the normal exercise of any economic activity.

- Suppression of incitement to racism and xenophobia

The law on freedom of the press, dated 29 July 1881, has been amended a number of times since 1972 in order to penalize incitement to racism and xenophobia. Its article 24, paragraph 5, punishes with one year of imprisonment and/or a 300,000-franc fine, anyone accused of publicly provoking hatred or violence towards a person or group of persons by reason of their origin or their membership or non-membership of a particular ethnic group, nation, race or religion. Moreover, the new Penal Code has established as a fourth-class infraction non-public slander or abuse of a racist or discriminatory nature (R.624-3 and R.624-4). These provisions result from the desire of the legislator to strengthen protection of human dignity by penalizing, for example, remarks made in an educational establishment or documents addressed to the members of an association. Moreover, under the law of 6 December 1993 on safety at sporting events, the introduction, carrying or exhibition in a sports arena during the holding or public broadcasting of a sporting event, of insignia, signs or symbols relodent of a racist or xenophobic ideology, constitute an offence.

Information and education

France is carrying out preventive action on racism within the framework of national education and the training of those persons most concerned with the suppression of racism (officers of the forces of law and order, magistrates).

The French Ministry of Education has supported numerous special activities in schools and has strengthened human rights education through the reintroduction of civic education and citizenship training. In the 1995 and 1996 school years this was implemented in primary, junior high and high schools, through programmes aimed at developing a spirit of tolerance and at teaching the basic notions of human dignity and responsibility in the face of attacks on human rights.

The training of magistrates, as of the police, includes a component on prevention of racism and xenophobia in all the subjects taught. Police training puts the emphasis on the ethical code of the national police, adopted in 1986, and generally on the rights and obligations, both ethical and legal, of the police towards the public, victims and suspects.

Moreover, the body of policies to facilitate the integration of foreigners contributes to combating racism, both by informing foreigners of their rights and duties and through the efforts made with the host society to prevent unjustified reactions of rejection.

Other measures, including bilateral and multilateral arrangements

- Within the framework of the Council of Europe:

France contributed to the recent action of the Council of Europe against racism, xenophobia, anti-Semitism and intolerance, which was initially mooted in October 1993 during the Vienna Summit of Heads of State and Government of the Member States of the Council of Europe, when the States adopted a declaration and plan of action. The latter led to the launch of a vast information campaign which was widely taken up in France, to the creation of the European Commission against Racism and Intolerance (ECRI) and to strengthening intergovernmental cooperation within the Council of Europe to combat racism and intolerance.

This action was confirmed during the second summit of Heads of State and Government of the Member States of the Council of Europe held on 10 and 11 October 1997 in Strasbourg, under French presidency. The plan of action which was adopted particularly envisaged a strengthening of ECRI activities and underlined the importance of close cooperation with the European Union.

- Within the European Union:

Following a joint Franco-German proposal, the Heads of State and Government of the Member States of the European Union, meeting as the European Council in Cannes on 25 and 26 July 1995, decided to set up a European Monitoring Centre on Racism and Xenophobia. This Monitoring Centre was created on 2 June 1997 by the Council of the European Union, and is

presided over by Mr. Jean Kahn, President of the French National Consultative Commission on Human Rights. Its function is to provide the Union and the Member States with reliable information, comparable at a European level, in order to facilitate action against racism.

Moreover, on 23 July 1996 the Council of the European Union adopted a resolution proclaiming 1997 the "European Year against Racism and Xenophobia". In France, related events are coordinated by the National Consultative Commission on Human Rights.

Finally, by virtue of article 13 of the new Treaty of Amsterdam, signed on 2 October 1997, the Council of the European Union will be competent to take the necessary measures to combat all discrimination, particularly racial discrimination.

3. Have there been manifestations (How many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

The following data, taken from the report of the National Consultative Committee on Human Rights, 1996, cover the facts on racism as a whole.

In 1996 nine violent acts of a racist nature (four persons injured, none killed), and three anti-Semitic acts, were registered in metropolitan France; these figures are down on 1990 (71 acts of racist violence). Three quarters of these violent acts were directed against persons of North African origin.

More insidious manifestations of racist and anti-Semitic violence (threats, graffiti, tracts, offensive behaviour, minor violence and other acts of intimidation) are more numerous: 284 acts were recorded in 1996, as against 505 in 1991. Almost half of these threats took place in the Ile-de-France region. Three quarters of these acts of intimidation concerned persons of North African origin, or their possessions.

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Report of the Secretary-General

ANNEX

Submission from Norway
dated 13 February 1998

GE.98 - 13077

The Permanent Mission of Norway has the honour to acknowledge receipt of the note of 2 December 1997, from the Secretary-General requesting the Norwegian Government to submit information in relation to a questionnaire on human rights of migrants.

The Mission is pleased to submit the relevant information concerning the issue in an attachment to this note, and regrets any problems the delay may have caused the Secretary-General.

The Permanent Mission of Norway avails itself of this opportunity to renew to the Secretary-General the assurance of its highest consideration.

Geneva, 13 February 1998

Questionnaire sent with the United Nations Secretary's General note G/SO 212/26 (1) on the human rights of migrants.

The Norwegian Directorate of Immigration, (UDI) notes that the UN working group has chosen for the purpose of this survey to use a broad definition for the term ' migrant", such that all immigrants, even those who live in the country on a permanent basis are included in this survey. At the same time UDI would like to make mention of the fact that only a very limited number of seasonal workers are granted temporary work permits in Norway. These number only 5 -7,000 a year, according to the Directorate's figures from the past few years. Most of these workers come from Eastern European countries during the harvesting season.

1. Latest figures or estimates for:
total population, including non-nationals, preferably by nationality of origin:

The following statistics have been obtained from the Norwegian National Bureau of Statistics, which are enclosed (SSB). SSB has defined immigrant here as a person whose parents were born abroad. The countries listed below represent the nationalities with the largest number of immigrants in Norway. Available statistics do not distinguish between those immigrants who sought refugee status when they arrived and those who didn't. The UN questionnaire specifically requests that we do not include an overview of immigrants who are refugees. For this reason, we have omitted nationalities that predominantly have sought refugee status, such as; Bosnia-Herzegovina, Vietnam, Iran, Somalia, Iraq, Poland, Chile, etc. The figures are from 1. January 1997.
Total population in Norway:
4,392,714
Norway as country of birth:
4,145,776

Foreign born immigrants (not refugees), according to country of birth:
Sweden
26,000
Denmark
20,928
USA
15,047
Great Britain
13,535
Pakistan
8,611
Germany
9,737
Yugoslavia(not Bos-Her.)
7,299
Turkey
6,334
Philippines
4,963

Finland
4,874
India
4,700
Netherlands
3,770
Morocco
3,186
Iceland
3,167
Thailand
2,697
France
2,521
Canada
2,237
Spain
1,457
Switzerland
1,313
Italy
1,256
Brazil
1,046
Austria
974
Japan
933
Australia
912
Hong Kong
850
Faeroe Islands
848
Belgium
800
Portugal
675
Israel
524
Greece
521
Ireland
510

Number of nationals abroad,
There has not been significant numbers of emigrants from Norway since the 1800s.

Non-nationals having authorisation to work in the country
This data is not registered in relation to Nordic nationals. For an overview of other nationalities, we refer you to page 30 in the Norwegian Directorate of immigration's Annual Report from 1996.

Estimate of irregular migrants,
This is not considered a serious problem in Norway today and there are no available estimates as to how many individuals this might involve in Norway's case.

Visa-abusers
There are no available statistics on this point. It is not considered a serious problem.

2. What measures are being taken to strengthen the promotion, protection and implementation of the human rights of migrants, such as: Legal measures, public information and education, provision of direct assistance and services: other measures, including bilateral and multilateral arrangements.

There are very few seasonal workers in Norway. Approximately 5-7,000 temporary, non-renewable 3 month permits are granted yearly, usually during the harvesting season, and usually to Eastern Europeans. The national rules and regulations regarding working conditions and living accommodations, hygiene, etc. which are meant to protect the rights of the employee, also apply to this group and their employers. We have no access to specific information about this group, nor have we any knowledge of registered complaints regarding abuse of this immigrant group.

Immigration policy in Norway is based on principals of genuine equal status for immigrants and Norwegians alike. This means that, as far as possible, immigrants are to have the same opportunities, rights and obligations as any other member of the population. When granted a renewable work/ residence permit, an immigrant is automatically included in the Norwegian National Health Insurance program for the duration of the permit, for example. They are also entitled to education as well as employment. In addition, some supplementary provisions and measures are available to immigrants to assist them in transitional stages of integration (such as adult language training and cultural orientation, supplementary primary education tutoring, bilingual education as required, interpreter services, multi-lingual information brochures, etc.). In addition, the government actively seeks to provide all members of the population with equal access to government services. However, once an immigrant has mastered Norwegian and is established in the work force, there are few, if any, compensatory measures or special programs aimed at immigrants.

A government White Paper on recent immigration to Norway, was sent by the Ministry of Local Government and Labour , to the Norwegian Parliament in March 1997. This paper focuses on the challenges Norway is encountering as a multi-cultural society. Equal opportunities and combating racism and discrimination are among the main points in this White Paper. The paper also suggests that the Norwegian Directorate of Immigration should focus integration efforts on all immigrants especially during the first five years after arrival to Norway. The Norwegian government has made concerted efforts to get the various sectors of

the government to include the immigrant population into their overall planning and design of programs for the general public.

The Government has proposed a change in the law to the Parliament, which, if passed, will forbid racial discrimination of job applicants. The changes referred to will apply to section 55 a of the Act pertaining to Worker Protection and Working Environment. The proposed change in the law will be voted on in the middle of February 1998. If passed, this law will include an addition to the present section 55a which forbids differential treatment or discrimination of job applicants because of race, colour, nationality or ethnic origin. The burden of proof will lie with the offended party and the offended party will not be granted compensation should they win their case.

3. Have there been manifestations (how many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

A. UDI has no information regarding harassment of Norwegian nationals living abroad. Neither do we have knowledge of any complaints on this matter.
B. Norway is in the process of developing better and more thorough methods of reporting cases of racism, xenophobia and other forms of discrimination. However, no registry of such episodes or cases exists at present.

Though there is no central office that registers individual cases of more typical harassment or discrimination, it is commonly recognised among professionals in the field, that immigrants from non-western countries have greater difficulties in gaining admittance to arenas such as employment, education and housing and suffer exclusion due to insufficient "official language" ability. Approximately one out of five immigrants has experienced discrimination on the housing market and one out of seven has experienced harassment at the workplace because of their immigrant background. There are also indications that about 20-30% of immigrant households are below the low income limit in Norway.

Though much remains to be done, Norway makes concentrated efforts to inhibit racism, harassment, and discrimination through a number of measures:
-legislation, criminal and civil law provisions,
-adoption of international conventions,
-stipulation of equal rights in the constitution,
-monitoring of extreme right-wing activities,
-establishment of a Interdisciplinary Advisory group on community relations and anti-racist work that provides advice and guidance to municipalities where racism, harassment, etc. appears to be race-related and has led to serious conflicts
-support to developing programs that assist youth in breaking out of violent, extremist groups
-support of and co-operation with anti-racist organisations,
-financial support to the development and implementation of attitude-shaping and awareness raising programs aimed at the general public,
-financial support for the development of programs which will promote relevant training for "front-line" professionals working at the local level, and

-marketing of professional expertise for assisting municipalities in planning and implementation of strategies against racism, discrimination and "excluding behaviour / intentions",
-promoting systematic exchange of information, knowledge and experience.

In addition, the government wants to improve the legal aid available to victims of racial discrimination. Victims of such discrimination frequently face social and economical barriers which keep them from bringing a case before the courts. For a test period of 5 years, an arrangement will be made to provide professional legal advice for individuals who are victims of racial discrimination. This measure will also support municipal employees working on legal issues in connection with discrimination. Through this measure, the Government will survey the situation closely in order to investigate the extent of racially motivated crimes and how often cases are brought before the courts. Annual reports will contribute to the documentation of these problems.

A Governmental Plan of Action to Combat Racism and Discrimination will be completed during the spring of 1998. The Ministry of Local Government and Regional Development will, in co-operation with several other Ministries, take responsibility for implementing and following up on recommended actions in the plan. The plan will put continued focus on discrimination in the labour market and the need to increase the competence of public employees when providing services to a multi-cultural population. The plan will also deal with how to react more clearly and quickly to racially motivated violence and harassment and the improvement of documentation and statistical data on race related crime.

The Government actively promotes recruitment of qualified persons with an immigrant background at all levels of the public sector. Quotas will not be established. Information on accreditation, evaluation of foreign education and possibilities of supplementary education will be further improved upon. Special action will be taken in order to recruit persons of immigrant background to professions that involve frequent contact with the public.

4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No 97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No 143)?

In 1979 Norway ratified Part II of the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers. Part I was ratified in 1989. The ILO Convention concerning Migration for Employment was raified in 1955.

Up to this date Norway has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

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Report of the Secretary-General

ANNEX

Submission from the Government of Ukraine
dated 17 February 1998

GE.98-13080 (E)

The Permanent Mission of Ukraine to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to its note No. G/SO 212/26 (1) of 2 December 1997 has the honour to submit the information in reply to the questionnaire on human rights of migrants.

The Permanent Mission of Ukraine avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 17 February 1998

Replies to the questionnaire on the human rights of migrants

1. As of 1 January 1997, the population of Ukraine was 50,893,500.

As to the number of non-nationals having authorization to work in Ukraine, 1,650 work permits were issued by the State Employment Centre in 1997.

According to some estimates, there are from 20,000 to 30,000 illegal (irregular) immigrants in the country.

2. Measures to protect the human rights of migrants

In accordance with the Constitution, non-nationals legally present in the country have the same rights as citizens of Ukraine.

The rights of non-nationals, including migrants, are protected by the relevant legislation: for example, the Law on the Legal Status of Non-nationals, which lays down the basic rights, freedoms and obligations of non-national citizens and persons without citizenship resident, or temporarily present, in Ukraine and regulates such questions as their arrival in, or departure from, the country.

Under this law, migrants have the right to education. Specifically, article 14 provides that non-nationals permanently resident in Ukraine have equal rights to education with nationals. All other non-nationals pay for their education, unless otherwise provided by legislation and international agreements to which Ukraine is a party. Education in intermediate schools is free; in tertiary institutions and intermediate specialist schools, fees are payable. Non-nationals admitted to educational and training institutions in Ukraine have the rights and obligations as pupils and students specified by Ukrainian legislation.

Non-nationals residing in Ukrainian territory have access to public information (press, radio, television). They have the right to avail themselves of cultural facilities, the right to freedom of conscience, etc.

Non-nationals living in the territory of Ukraine have rights to take remunerative employment, to leisure, and to health care. Those permanently resident in Ukraine enjoy the same access to medical services as citizens. Medical care is available to all other non-nationals against payment.

Legal advice is available to migrants in Ukraine on various matters (information on current legislation regarding residence by non-nationals, procedures for leaving Ukraine, etc.). Assistance for migrants is provided by charitable and religious organizations, and in Kiev, the Crimea and Transcaucasia there are migrant assistance centres.

At the present time, a number of pieces of legislation are under preparation to define more clearly the rights and obligations of migrants.

3. Officially, no manifestations of racism, or xenophobia are on record, but State authorities are aware of cases of prejudice against migrants in

everyday life and are taking steps to promote an atmosphere of tolerance and mutual respect for representatives of various ethnic and racial groups.

4. The current economic crisis in Ukraine precludes ratification of the instruments listed in the questionnaire, but, in its dealings with migrant workers, Ukraine is guided by international legal standards, in particular those laid down in ILO conventions and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Ukraine has also signed a number of international and intergovernmental agreements on mutuality of employment regulations and social protection for migrant workers: for example, an intergovernmental agreement on social security has been signed between Ukraine and Spain (submitted for ratification in 1997), and between the countries of the Commonwealth of Independent States on cooperation in the field of labour migration and social protection for worker migrants (ratified in 1995). Intergovernmental agreements have also been signed and ratified by Ukraine on the above-mentioned matters with Russia, Moldova, Lithuania, Armenia, Belarus, Latvia, the Czech Republic, Azerbaijan and Estonia.

Draft agreements on resettlement have also been prepared by Ukraine with former Soviet republics: in particular between Ukraine and the Russian Federation on the regulation of resettlement and the protection of the rights of those engaged in resettlement; between Ukraine and Georgia on voluntary resettlement and the protection of the rights of persons engaged in resettlement and members of their families; between Ukraine and Latvia on the regulation of voluntary resettlement; between Ukraine and Kazakhstan on the regulation of voluntary resettlement and protection of the rights of persons engaged in resettlement and members of their families.

Ukraine is also engaged in preparing draft agreements on the return to Ukraine of deported persons forcibly expelled (deported) from Ukraine on nationality grounds in the period 1941-1944 (Germans, Bulgarians, Armenians, Greeks and Tatars). For example, a draft agreement has been prepared between Ukraine and Uzbekistan on cooperation in assisting the voluntary return of deported persons to Ukraine, and similar draft agreements have been prepared between Ukraine and the Kyrgyz Republic, the Russian Federation and Tajikistan.